

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 21, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, July 21, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Anthony Bellizio	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Planning and Development Services Director Chris Bowley; Economic Development Manager Jerry Mayes; Deputy City Manager Dale Baker; Parks & Recreation Director Steve Moore; and VCSO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Invocation Presented by Commissioner Schleicher – Manny Almo, a Senior at Stetson University and a member of Pizza Family Ministry.

The National Anthem was sung by Mia Gomez.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Special & Regular City Commission Meeting of July 7, 2014 and Special City Commission Meeting of July 14, 2014.

Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to approve the minutes of the Special & Regular City Commission Meeting of July 7, 2014 and Special City Commission Meeting of July 14, 2014.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

City Attorney Becky Vose stated she has submitted a recommended change to Section 36-14 of

Ordinance No. 11-2014, regarding the City's rental regulatory license.

Commissioner Nabicht asked to add-on Resolution No. 2014-23, regarding a moratorium on food vendors located on church property and Mayor Masiarczyk stated the item will be Add-On Item 10-D.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Quarterly Reports of City Advisory Boards/Committees.

Mayor Masiarczyk stated the Parks & Recreation Advisory Committee and its Sub-Committees are written reports. He asked if the Commission had any questions and there were none.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) VCSO Captain David Brannon reminded everyone of National Night Out at City Hall to take place on Tuesday, August 5th from 5:30-8:30 p.m. It is a great opportunity to promote law enforcement activities, a greater sense of community and how everyone can work together to stamp out crime in Deltona and other communities. The VCSO will be joined by the Florida Highway Patrol and Florida Wildlife as well as other community organizers at the event and he hoped to see all the Commission and residents at the event.

7. CONSENT AGENDA: None.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 15-2014, An amendment to allow Changeable Copy Signs for Houses of Worship, at first reading.

Planning & Development Services Director Chris Bowley stated over the years staff has been receiving requests to have electronic changeable copy signs. The Planning and Zoning Board approved it unanimously and religious institutions can be located in a residentially zoned area so they have a little bit more sensitivity and criteria in relation to adjacent land uses. The location of the signs has been limited to arterially roadway frontages which will help with the roadway classification and that type of sign against it.

The Commission discussed the illumination being limited by 50% or half with no limitation on the colors and there is no illumination reduction for businesses unless facing residential or in close proximity, the height of the signs being eight (8) feet and there being no limitation on the signs height, there being no banner type horizontal, after hours being sunset was included in the ordinance, churches having to get a conditional use permit and if it laps it can be extended or it would expire, what mechanism is in place to make sure a church is not advertising other endeavors on the sign, there being churches inside commercially zoned property, regulating what is advertised on the sign, and staff providing the Commission with statistics on the number of churches that have arterial roadway frontages vs. a breakout of those that are non-residential and commercial areas also on arterial roadways.

Vice Mayor Herzberg asked if the signs that are not changeable, are there any regulations on their illumination and Mr. Bowley replied no, even in residential areas and he has never received a complaint. City Attorney Becky Vose stated the Commission could add language to limit the

1 message on the sign used by churches. City Manager stated there is a section of the sign code which
2 does not allow offsite advertising and that is for any offsite advertising.

3
4 **Motion by Commissioner Barnaby, seconded by Commissioner Denizac to approve Ordinance**
5 **No. 15-2014, an amendment to allow changeable copy signs for houses of worship, at first**
6 **reading.**

7
8 Commissioner Nabicht stated one of the ways churches raise money is through sponsorship and he
9 asked where the churches going to advertise that. He suggested to get rid of the offsite advertising
10 and the sign ordinance needs to be fixed.

11
12 **Commissioner Nabicht stated the sign ordinance has been talked about forever and he asked**
13 **for a consensus of the Commission to rewrite the sign ordinance and the Commission**
14 **concurred.**

15
16 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

17
18 City Attorney Becky Vose read the title of Ordinance No. 15-2014.

19
20 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA,**
21 **AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE,**
22 **BY REVISING SECTION 102-78, HOUSES OF WORSHIP, AND SECTION 102-102,**
23 **CHANGEABLE COPY SIGNS, OF CHAPTER 102, SIGNS; PROVIDING FOR CONFLICTS,**
24 **CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

25
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
27 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
28 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

29
30 Ordinance No. 15-2014 was approved at 7:06 p.m.

31
32 **B. Public Hearing - Ordinance No. 11-2014, regarding the City's Rental Regulatory**
33 **License, at second and final reading.**

34
35 Mayor Masiarczyk asked the City Attorney to go over the amendment and Mrs. Vose replied the
36 way it was written at first reading was an applicant for water and sewer to go to Deltona Water with
37 a lease, a copy of the regulatory license from the landlord and notarized copy of a permission from
38 the landlord to sign up for water and sewer which would hold up the process of getting the services
39 and a tremendous burden on Deltona Water. She stated it has been revised so when the person goes
40 to get water and sewer services they will provide a copy of their lease, Deltona Water staff will send
41 the information to City Hall with who the landlord is, who the tenant is and the address of the
42 property. Staff at City Hall will check to see if there is a regulatory rental license and if so fine but,
43 if they do not a letter will go out to the landlord and if the property is not being rented then City Hall
44 staff will contact VCSO because it would appear to be a fraudulent lease and if the landlord did not
45 know about the process it will be explained and there would be a request to sign up for the license.

46
47 City Manager Dave Denny stated this process will not cause any delays.

48
49 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

1
2 **Motion by Commissioner Denizac, seconded by Commissioner Nabicht to adopt Ordinance**
3 **No. 11-2014 as amended, at second and final reading.**

4
5 City Attorney Becky Vose read the title of Ordinance No. 11-2014.

6
7 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING A NEW CHAPTER**
8 **36, "DELTONA RENTAL REGULATORY LICENSE ORDINANCE"; PROVIDING**
9 **INTENT, AUTHORITY, FINDINGS OF FACT, AND DEFINITIONS; REQUIRING A**
10 **RENTAL REGULATORY LICENSE AND FEE, PROVIDING FOR AN APPLICATION;**
11 **PROHIBITING CERTAIN OCCUPANCY; PROVIDING FOR INTERIOR RENTAL**
12 **INSPECTIONS FOR CAUSE, EMERGENCY INSPECTIONS AND REMEDIATION, AND**
13 **DELINQUENCIES, REVOCATION AND PENALTIES; REQUIRING CERTAIN**
14 **DOCUMENTS PRIOR TO UTILITY ACTIVATION, AND PROVIDING FOR CONFLICTS,**
15 **CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

16
17 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
18 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
19 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

20
21 Ordinance No. 11-2014 was adopted at 7:14 p.m.

22
23 **C. Public Hearing - Ordinance No. 12-2014, regarding anti-blight, at schedule second and**
24 **final reading.**

25
26 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

27
28 Commissioner Barnaby stated he shared with Mrs. Vose some concerns from the West Volusia Board
29 of Realtors and he asked if the Ordinance could be postponed until the West Volusia Board of Realtors
30 could be contacted and made aware of the ordinance. Mrs. Vose stated the liens are against the
31 mortgagee and not the property and she cannot think of any negative effective it would have on the
32 West Volusia Board of Realtors.

33
34 The Commission discussed the ordinance helping realtors, other cities having ordinances like this, the
35 ordinance being needed to make sure the City does not continue to be blighted, and residents giving
36 away their homes to the City so they do not have to incur any costs.

37
38 **Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to adopt Ordinance**
39 **No. 12-2014, at second and final reading.**

40
41 City Attorney Becky Vose read the title of Ordinance No. 12-2014.

42
43 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING A NEW CHAPTER**
44 **37, "DELTONA ANTI-BLIGHT ORDINANCE"; PROVIDING AUTHORITY, PURPOSE,**
45 **INTENT, FINDINGS, AND DEFINITIONS; REQUIRING REGISTRATION OF**
46 **DISTRESSED PROPERTIES, MAINTENANCE AND SECURITY; REQUIRING FULL**
47 **UTILITIES FOR OCCUPANCY; DECLARING A PUBLIC NUISANCE; PROVIDING FOR**
48 **A CIVIL FINE; PROVIDING FOR NO CONTINUING OBLIGATION OR LIABILITY ON**

CITY; PROVIDING PENALTY FOR OBSTRUCTING AN ENFORCEMENT OFFICER; PROVIDING IMMUNITY FOR ENFORCEMENT OFFICER; PROVIDING FOR ISSUANCE OF BUILDING PERMITS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 12-2014 was adopted at 7:20 p.m.

D. Public Hearing - Ordinance No. 18-2014, regarding unfit and unsafe structures, at second and final reading.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to adopt Ordinance No. 18-2014 at second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 18-2014.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW ARTICLE IV, "UNFIT AND UNSAFE STRUCTURES", OF CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", PROVIDING FOR THE HANDLING OF UNFIT OR UNSAFE STRUCTURES, AND THE PROCEDURES TO DEMOLISH, REMOVE, SECURE, ETC. SUCH STRUCTURES; PROVIDING FOR NOTICES, ASSESSMENT OF COSTS, LIENS, EMERGENCY CONDEMNATIONS, APPEALS AND NON-AD VALOREM ASSESSMENTS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 18-2014 was adopted at 7:22 p.m.

9. OLD BUSINESS:

A. Request for approval of 2014-2015 Law Enforcement Services Agreement.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Barnaby, seconded by Commissioner Denizac to authorize the Mayor and City Manager to execute the Law Enforcement Services Agreement for fiscal year 2014-2015 in the amount of \$9,855,726.00.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;

1 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

2
3 Mayor Masiarczyk called for a recess at 7:23 p.m. and reconvened at 7:37 p.m.

4
5 **10. NEW BUSINESS:**

6
7 **A. Consideration of appointment of one (1) member to the City's Planning and Zoning**
8 **Board (Vice Mayor Herzberg's appointment).**

9
10 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

11
12 **Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to confirm the**
13 **appointment of Tony Sixma to the Planning and Zoning Advisory Board for the remainder of**
14 **a term to expire on March 15, 2017.**

15
16 Commissioner Barnaby asked if it was appropriate for members of the Planning and Zoning Board
17 to contact members of the Commission directly regarding the personnel of the board in regards to
18 their duties or should it go through the City Manager and Mrs. Vose stated that it is appropriate to go
19 through the City Manager. Commissioner Barnaby stated he is still waiting on a response form the
20 City Manager regarding a member of the Planning and Zoning Board's duties and Mr. Denny replied
21 he will contact the board member tomorrow.

22
23 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
24 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
25 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

26
27 **B. Consideration of appointment of two (2) members to the Parks and Recreation**
28 **Advisory Committee (Mayor Masiarczyk's and Commissioner Denizac's appointments).**

29
30 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

31
32 **Motion by Commissioner Denizac, seconded by Commissioner Schleicher to confirm the**
33 **appointment of the following individuals Maribel Montenez and Jimmy Stone to the Parks and**
34 **Recreation Advisory Committee for a term to expire on December 31, 2014.**

35
36 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
37 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
38 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

39
40 **C. Selection of Interim City Manager.**

41
42 Mayor Masiarczyk opened the public hearing:

43
44 Bill Maxwell, 1671 Montecito Avenue asked what the definition of "interim" is and Mayor Masiarczyk
45 explained it is a temporary position until a permanent City Manager is appointed by the Commission.

46
47 Mayor Masiarczyk closed the public hearing.
48

1 Mayor Masiarczyk stated he was very impressed with all four (4) candidates, Mr. Shimun and Mr.
2 Bonner expressed an interest in being appointed as the permanent City Manager, and he has thought
3 long and hard as to what is best for the City of Deltona and he has narrowed his choices down to two (2)
4 candidates. After listening to everyone he believes he found an opportunity, Mr. Baker and all the
5 employees are very important to him but, Mr. Tipton stood out and he was adamant that the biggest
6 need for the City is to get a permanent City Manager. He stated depending on the vote, if Mr. Tipton
7 was not chosen, he would be the person to assist in finding the City a permanent City Manager and
8 could be hired as a consultant. He stated he is totally committed to having Mr. Tipton as part of the
9 permanent City Manager search.

10
11 The Commission discussed the cost presented by Mr. Tipton with his application, going through the
12 proper channels and doing an RFP for the permanent City Manager so as not to show favoritism to Mr.
13 Tipton, each Commissioner having an idea of how they will be ranking each candidate, discussing a
14 consultant at another time, and the cost for an Interim City Manager vs. appointing Mr. Baker which
15 would be the least expensive choice.

16
17 Mayor Masiarczyk stated the smallest total number will be the top choice so the candidates should be
18 ranked with Commissioner placing a "1" for their top choice, a "2" for their second choice and so on.

19
20 Mayor Masiarczyk opened the public hearing.

21
22 Sylvia Barnaby, 2242 East Fairbanks Drive, asked if the Mayor interjecting his opinion muddled the
23 Commission's decision and she felt there should have been a vote and no interjection. Mayor
24 Masiarczyk replied he could not answer that question and that each Commissioner would need to be
25 asked that question.

26
27 Mayor Masiarczyk closed the public hearing.

28
29 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to appoint Mr. Dale**
30 **Baker as the Interim City Manager.**

31
32 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
33 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
34 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

35
36 **Commissioner Nabicht asked who was going to negotiate a contract with Mr. Baker and**
37 **Mayor Masiarczyk replied the City Manager and City Attorney can negotiate a contract with**
38 **Mr. Baker and the Commission concurred.**

39
40 **D. ADD-ON: Resolution No. 2014-23, adopting a temporary moratorium on the**
41 **enforcement of City Code provisions as to food sales on residentially zoned church property.**

42
43 Mayor Masiarczyk asked to add language that moratorium would apply to any food sales that were
44 actively existing over for the past 90 days. Mrs. Vose replied the word "existing" could be added to
45 Section 1 as follows "...the same relate to existing food sales..". After additional discussion Mrs. Vose
46 suggested to change the same sentence to "...the same relate to food sales that existed on residentially.."
47 and after even further discussion Mrs. Vose suggested "...the same related to food sales existing over the
48 last 90 days on residentially.." which the Commission agreed to.

Mayor Masiarczyk opened the public hearing.

Bill Maxwell, 1671 Montecito Avenue, stated what happens if the ordinance is not changed in 90 days and Mayor Masiarczyk replied he would know once the vote takes place.

Phil Giorno, 2135 Brewster Drive, provided a list of organizations he belongs to, and he stated he appreciated staff and the Commission looking at the issue and trying to make it work for everyone.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to adopt Resolution No. 2014-23, as amended.

Mayor Masiarczyk read the title of Resolution No. 2014-23.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Resolution No. 2014-23 was approved at 8:18 p.m.

11. CITY ATTORNEY COMMENTS:

Mrs. Vose stated she had sent out a proposed residential prisoned version ordinance and she asked if the Commission wanted it on a workshop or could she go ahead and put it on an agenda. Mayor Masiarczyk stated he read it with interest and he asked her to bring it to the Commission unless someone objects. Commissioner Denizac commended Mrs. Vose for being pro-active in bringing this to the Commission and is ready for it to be on the agenda so the Commission can vote on it. Mayor Masiarczyk asked if there were any other comments and there were none.

12. CITY MANAGER COMMENTS: None

A. Lobbyist Update:

13. CITY COMMISSION COMMENTS:

a) Commissioner Bellizio stated this board is not an all-encompassing entity and does not know everything and that is why the Commission members rely on City staff, other Commissioners and the public to inform the Commission on what is happening. He stated everyone has to work collectively within the City and so far he has seen the camaraderie between the three (3) entities.

b) Commissioner Schleicher stated she will be out of town and will miss the next workshop but, there is an important ordinance regarding regulating medical marijuana on the agenda and she asked that the Commission discuss it carefully. She stated she had asked Mrs. Vose and Ms. Raftery to make sure it stayed on the agenda as she does not want to wait two (2) or three (3) more weeks for it to come up to be discussed. She stated if the Commission decides to discuss the search committee for the City Manager, Mr. Tipton would be on the top of her list as a consultant. She thanked Captain Brannon for

1 taking the time to meet with her.
2

3 c) Vice Mayor Herzberg thanked the applicants that interviewed today and staff for assisting with
4 the Interim City Manager interviews. She issued kudos to staff stating the City has had a lot of issues
5 and she has received many calls from residents regarding blighted houses, animals, foreclosures and
6 evictions and staff has been great. She stated also Captain Brannon's people have been awesome.
7

8 d) Mayor Masiarczyk congratulated Mr. Baker and he stated that Mr. Denny will be missed.
9

10 **14. ADJOURNMENT:**
11

12 There being no further business, the meeting adjourned at 8:29 p.m.
13
14
15
16
17

18 _____
19 **John Masiarczyk Sr., Mayor**
20

21 **ATTEST:**
22
23
24

25 _____
Joyce Raftery, City Clerk